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RE: Reply comments of the Utah Public Service Commission filed in the proceeding captioned: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications Capability CC Docket No. 98-147

Madam Secretary:

The Public Service Commission of Utah submits these comments in reply to the April 5, 2002 pleadings filed in response to the Notice of Proposed Rulemaking issued by the Federal Communications Commission in the above-captioned proceedings.

We are concerned about the potential impacts of this proceeding and endorse the April 5, 2002 NARUC comments requesting that the FCC ensure that States retain the authority to require additional unbundling from incumbent LECs. We believe the FCC was correct when the Commission found that §251(d)(3) grants state commissions the authority to impose additional obligations on incumbent LECs beyond those imposed by the national list so long as they meet the requirements of §251. We support NARUC's position that Congressional intent, existing State-enabling statutes, and FCC rules and prior findings in this and related dockets support this approach.

If the FCC adopts a new minimum list of unbundled network elements or changes the existing one, the Commission should defer to States to determine whether unbundling requirements should simply be the federal minimums. As recognized in the UNE Remand order, the States are far better positioned to conduct a detailed review of additional unbundling that is

appropriate for local market conditions.

We also concur that the FCC should convene a Federal-State joint conference to facilitate the implementation of the three-year UNE review and ask that the FCC support the implementation of the universal availability of UNE-P.

NARUC states in its comments that because of the critical role played by State regulators in implementing the statutory UNE regime and the state specific, data-intensive nature of the three-year review, the FCC should establish a formal mechanism to secure the State participation necessary for an informed application of the statutory “necessary and impaired” standard. We agree.

Finally, we support NARUC’s contention that the FCC “. . .should support the implementation of universal availability of the UNE-P, on the basis that one form of entry should not be favored over another.” Specifically, the FCC should ensure that its implementation of §251 “ does not favor one method of entry, at the expense of other methods of entry.

We appreciate the opportunity to file these reply comments.

Respectfully Submitted,

s/  
Stephen F. Mecham, Chairman

s/  
Constance B. White, Commissioner

s/  
Richard M. Campbell, Commissioner